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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

Case No. *2013-951*

12 **RACHEL CECELIA STEPT**

STATEMENT OF ISSUES

13 **Registered Nursing License Applicant**
14

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
18 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs.

20 2. The Board of Registered Nursing, received an application for a Registered Nursing
21 License from Rachel Cecelia Stept (Applicant). On or about November 20, 2012, Rachel Cecelia
22 Stept certified under penalty of perjury to the truthfulness of all statements, answers, and
23 representations in the application. The Board denied the application on February 21, 2013.

24 **JURISDICTION**

25 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
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STATUTORY PROVISIONS

4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 480 of the Code states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

"(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

"(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482:

1 "(c) A board may deny a license regulated by this code on the ground that the applicant
2 knowingly made a false statement of fact required to be revealed in the application for the
3 license."

4 6. Section 2761 of the Code states:

5 "The board may take disciplinary action against a certified or licensed nurse or deny an
6 application for a certificate or license for any of the following:

7 "(a) Unprofessional conduct, . . ."

8 7. Section 273a, subdivision (d) of the Penal Code, states:

9 "Any person who, under circumstances or conditions other than those likely to produce
10 great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon
11 unjustifiable physical pain or mental suffering, or having the care or custody of any child,
12 willfully causes or permits the person or health of that child to be injured, or willfully causes or
13 permits that child to be placed in a situation where his or her person or health may be endangered,
14 is guilty of a misdemeanor."

15 8. California Code of Regulations, title 16, section 1444, states:

16 "A conviction or act shall be considered to be substantially related to the qualifications,
17 functions or duties of a registered nurse if to a substantial degree it evidences the present or
18 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
19 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

20 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
21 subdivision (d) of Penal Code Section 11160.

22 "(b) Failure to comply with any mandatory reporting requirements.

23 "(c) Theft, dishonesty, fraud, or deceit.

24 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
25 Penal Code."

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1 CAUSE FOR DENIAL OF APPLICATION

2 (UNPROFESSIONAL CONDUCT: ASSAULT OR ABUSE)

3 9. Applicant's application is subject to denial under sections 480 and 2761(a) in that on
4 or about January 25, 2009, Respondent was removed from her home by Child Protective Services
5 for two months after Respondent hit her 12-year-old daughter in the head approximately 10 times,
6 leaving a ring mark and bruising.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Denying the application of Rachel Cecelia Stept for a Registered Nursing License;
11 2. Taking such other and further action as deemed necessary and proper.

12 DATED: April 23, 2013

Louise R. Bailey
13 LOUISE R. BAILEY, M.Ed., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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